OIPE JC13 SEP 14 2004 PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Julian S. Crawford, et al	Examiner: Newton O. Edwards
Serial No.: 10/767,668	
Filed: 1/29/2004	Group Art Unit: 1772
For: CONDUCTIVE FILAMENT	
	Docket No.: 033583.00007

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Response to the Restriction Requirement of 9/01/04

Restriction to one of the following inventions has been required under 35 USC 121.

Group I, containing claims 1-12, is said to be drawn to a yarn classified in class 428, subclass 373.

Group II, containing claims 13-18, is said to be drawn to a method pf making classified in class 264, subclass 172.1.

Group III, containing claims 19 and 20, is said to be drawn to a fabric classified in class 442, subclass various.

The inventions are said to be distinct each from the other because:

The inventions of Groups I and II are distinct if at least one of the following can be shown: (1) the process, as claimed, can be used to make another different product; (2) that the product as claimed can be made by a different process per MPEP 806.05 (f). The examiner then states "In the instant case, providing blending, drawing, rolling

and heat setting".

The inventions of Groups I and III are said to be related as mutually exclusive species. Distinction is said to be proven if the intermediate product is useful to make other than the final product (MPEP 806.04(b)) and the species are patentably distinct (MPEP 806.04(h)). It is then stated that in the instant case the intermediate product is deemed to be useful as an entangled yarn or a component in a composite and the inventions are deemed patentably distinct.

These requirements for restriction are respectfully traversed as improper.

Turning first to Group II, it is not understood what "pf" making is.

Groups I and II are not shown to be distinct by either requirement as set forth in MPEP 806.05(f). The examiner merely states "providing blending, drawing, rolling and heat setting". Such statement does not show: (1) that the claimed process can produce a different product; or (2) that the claimed product can be made by a different process.

Similarly, Groups I and III are said to be distinct under MPEP 806.04(b) and 806.04(h). This entire requirement appears in error; 806.04(b) and 806.04(h) are directed to multiple species. The claims of Group I are directed to a yarn. The claims of Group III are product by process claims depending from claim 17 of the claims of Group II. Accordingly, the restriction requirement between the claims of Groups I and III is thought to be improper.

It is noted that no restriction requirement has been made between claims 17 and claims 19 and 20.

In accordance with MPEP 818, applicant elects the claims of Group I, i.e. claims

1-12, for prosecution.

The restriction requirement is again traversed as improper.

An election of species has been required between the species as set forth in claims 2 and 3.

Again, applicant traverses this requirement as being improper.

Per MPEP 818, election is the designation of two or more disclosed inventions that will be prosecuted.

Claim 1 is directed to a yarn comprising a primary and secondary component. Claim 2 depends from claim1 and more specifically sets forth the primary component as called for in claim 1. Claim 3 depends from claim 1 more specifically sets forth the secondary component as called for in claim 1 . Claims 1-3 all recite only one invention.

Further, claims 4-7 are all directed to the secondary component while claims 8 and 10 are directed to the primary component. The election as set forth does not include these claims.

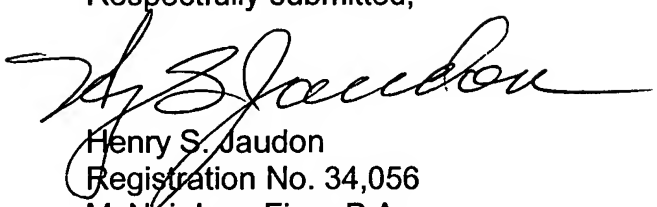
The election requirement set forth is traversed as improper.

Claim 1 is generic.

The species of claim 3 is provisionally elected.

For the above stated reasons, it is suggested that the restriction and election requirements are improper, accordingly, withdrawal thereof is earnestly requested and an action on the merits be given to all claims presented.

Respectfully submitted,



Henry S. Jaudon
Registration No. 34,056
McNair Law Firm, P.A.
P.O. Box 10827
Greenville, SC 29603-0827
Telephone: (864) 232-4261
Agent for the Applicant

OIPE JC73
SEP 14 2004
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Julian S. Crawford, et al	Examiner: Newton O. Edwards
Serial No.: 10/767,668	
Filed: 1/29/2004	Group Art Unit: 1772
For: CONDUCTIVE FILAMENT	Docket No.: 033583.00007

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

TRANSMITTAL LETTER

Please find the following correspondence items enclosed for filing in the United States Patent and Trademark Office:

1. Response to the Restriction Requirement of 9/01/04; and
2. Return Receipt Postcard.

Respectfully submitted,

Henry S. Jaudon
Registration No. 34,056
McNair Law Firm, P.A.
P.O. Box 10827
Greenville, SC 29603-0827
Telephone: (864) 232-4261
Agent for the Applicant

I hereby certify that this correspondence is being deposited with The United States Postal Service as **"FIRST CLASS MAIL"** with sufficient postage and mailing label affixed thereto, in an envelope addressed to: Commissioner for Patents, Mail Stop Amendment, P.O. Box 1450, Alexandria VA 22313-1450 on September 8th, 2004

By: